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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/412,176 | 10/04/1999 | JOHN HALTON | 450117-2105 | 9306 |

20999 7590 10/23/2002

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EXAMINER

TRINH, SONNY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2681 | |

DATE MAILED: 10/23/2002

#11

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.

09/412,176

Applicant(s)

HALTON ET AL.

Examiner

Sonny TRINH

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dupont (Dupont; U.S. Patent Number 5,729,542) in view of Chawla et al. (Chawla; U.S. Patent Number 6,137,787).

Regarding **claims 1, 8 and 12**, Dupont discloses a method / apparatus and means for transmitting and receiving data in a code division multiple access telecommunication system (column 2 line 60 to column 3 line 31, figure 1), comprising the steps of providing a random access time window (figure 6, column 6) comprising a plurality of random access slots for transmitting random access data from at least one first communication device to a second communication device, dividing the plurality of

random access slots of the random access time window into at least two groups each having a respective size (column 4 lines 20-47, column 5 line 60 to column 6 line 44), and allocating the groups to respective priority classes, whereby the priority classes represent the transmission priorities of the random access data to be transmitted in the random access slots (column 5, line 60 to column 7 line 8, figure 6). However, Dupont does not explicitly disclose that the size of at least one of said groups is changed in accordance with changing needs such that a probability of access for at least one group is dynamically changed.

In an analogous art, Chawla teaches the method and apparatus for resource assignment in a wireless communication system. Chawla further discloses that the size of at least one of the groups is changed in accordance with changing needs such that a probability of access for at least one group is dynamically changed (figure 3, columns 6-9, specifically column 6 lines 42-67, column 7 lines 33-52).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Dupont, the dynamic groups assignment, as taught by Chawla, in order to increase spectrum efficiency, by allowing multiple frequency reuse patterns within the same system.

Regarding **claims 2, 13**, Dupont further teaches that the transmission priorities of the random access data to be transmitted are determined on the basis of the content and the type of the random access data (column 2 lines 40-59).

Regarding **claims 3, 14**, Dupont further teaches that the number of random access slots in each group is variably set depending on system requirements (column 2 lines 40-59, column 6 line 45 to column 7 line 8).

Regarding **claim 4**, Dupont further teaches the first communication device, for transmitting random access data of a certain transmission priority, randomly chooses one or more random access slots from the group having the corresponding priority class (column 6 line 45 to column 7 line 8).

Regarding **claims 5, 9**, Dupont further teaches that the access probability depends on the number of random access slots in the group (claim 8).

Regarding **claims 6, 10**, Dupont further teaches that said second communication device periodically broadcasts information defining the groups of the random access time window to the at least one first communication device (column 1 line 53 to column 2 line 8, column 3 lines 32-61).

Regarding **claims 7, 11, 15**, Dupont further teaches that each random access slot in said random access time window is defined by a time offset value and a preamble code (figures 5-6).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-

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1961. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 4:30 p.m. The examiner can also be reached on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-306-0377.

Sonny Trinh S.T.

PATENT EXAMINER
10/15/02

QUOCHIEN VUONG
PATENT EXAMINER

A handwritten signature in cursive script, likely reading "Quochien Vuong", written in black ink.